

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DALE G. BECKER,

Plaintiff,

vs.

Civil Action 2:05-CV-908
JUDGE GRAHAM
Magistrate Judge King

WARDEN ROSS CORRECTIONAL
INSTITUTION, *et al.*,

Defendants.

ORDER

On August 3, 2006, the United States Magistrate Judge issued a *Report and Recommendation* recommending that *Plaintiff's Motion for Default Judgment*, Doc. No. 11, be denied and that *Defendants' Motion to Dismiss*, Doc. No. 23, be denied. Plaintiff was directed to effect proper service of process, in conformity with S.D. Ohio Civ. R. 4.2, within twenty-eight (28) days of the date of this *Report and Recommendation*. Plaintiff was cautioned that failure to properly effectuate service of process, as set forth in the *Report and Recommendation*, could result in dismissal of this action. The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. The *Plaintiff's Motion for Default Judgment*, Doc. No. 11, is **DENIED**. *Defendants' Motion to Dismiss*, Doc. No. 23, is likewise **DENIED**.

It is so ORDERED.

s/James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: September 20, 2006